

UNITED STATES DISTRICT COURT  
for the

Western District of North Carolina

United States of America )  
v. )  
KEITH O'BRIAN HAMPTON ) Case No: 3:98CR285-02  
Date of Previous Judgment: September 28, 1999 ) USM No: 13835-058  
(Use Date of Last Amended Judgment if Applicable) ) R. Andrew Murray  
 ) Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

## **I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: 41 Amended Offense Level: 39  
Criminal History Category: III Criminal History Category: III  
Previous Guideline Range: 360 to life months Amended Guideline Range: 324 to 405 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
  - The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
  - Other (explain): Defendant is not eligible for a sentence reduction since he received a Rule 35 sentencing him to the mandatory minimum sentence in this case.

### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated Sept. 28, 1999 shall remain in effect.

## **IT IS SO ORDERED.**

Order Date: August 19, 2008

Effective Date: \_\_\_\_\_  
(if different from order date)

*Frank D. Whitney*